

AFFIDAVIT OF PROBABLE CAUSE

I, Daniel P. Mehlhoff, Special Agent, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, being duly sworn on oath, deposes and states:

1. Your affiant is a Special Agent (SA) employed by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and has been so employed since September 15, 1998, and is authorized to carry firearms, execute warrants, conduct investigations and make arrests for offenses against the laws of the United States of America. Since August 11, 2013, your Affiant has been assigned to the ATF Fargo, North Dakota Field Office and works and resides in Bottineau, North Dakota. Prior to being assigned to the Fargo Field Office, SA Mehlhoff was assigned to the Sioux Falls Field Office from August 20, 2005 – August 10, 2013; the Bellingham, Washington ATF Satellite Office from September 13, 1998 through August 20, 2005. Prior to employment with ATF, SA Mehlhoff was a U.S. Border Patrol Agent from September 26, 1988 through September 12, 1998, assigned to the El Centro, California and Blaine, Washington U.S. Border Patrol Stations.
2. Your affiant is also a Firearms Interstate Nexus Examiner, receiving instruction, both general and specific in the recognition and identification of firearms and ammunition from attending and successfully completing the following courses:
 - ATF'S New Professional Agent Training.
13-week course, graduated September 10, 1999.
 - Criminal Investigator School
8-week course, graduated February 19, 1999.
 - United States Border Patrol Academy
19-week course, graduated February 15, 1989.
3. From November 25, 2001 through November 30, 2001, SA Mehlhoff attended and successfully completed the ATF Firearms Interstate Nexus Course, receiving specific instruction, in the recognition and identification of firearms, ammunition and their place of manufacture.
4. SA Mehlhoff received research material concerning firearms and ammunition and their place of manufacture, and also received authorization to access firearm records concerning manufacturers around the world from the ATF'S Firearms Technical Branch in Washington, DC.
5. SA Mehlhoff has access to the federal licensing database, which contains information concerning United States Manufacturers, Importers and Dealers of firearms, including those that are licensed to do business in the State of North Dakota.

6. SA Mehlhoff has access to the firearm records that are maintained and required under federal law by those who are licensed as a Federal Firearms Dealer.
7. Your Affiant has previously testified in Federal Grand Jury in Seattle, Washington, the U.S. District Courts in Tacoma, Washington, the U.S. District Court in Sioux Falls, South Dakota, and the U.S. District Court in Bismarck, North Dakota concerning Interstate Nexus determination of firearms and ammunition. Since December of 2001, your affiant has determined the Interstate Nexus of approximately 400 plus firearms and all types and calibers of ammunition.
8. In the past week, your affiant has been briefed by U.S. Postal Inspector Thomas Irvin and by Department of Homeland Security Special Agent Darrik Trudell, concerning an ongoing investigation into James Terry HENRIKSON, residing at 505 17th Avenue Northeast, in Watford City, a previously multi-convicted felon, allegedly in possession of firearms and ammunition. Your Affiant is not the Case Agent of this investigation and does not know all pertinent details and facts of this investigation.
9. On January 14, 2014, U.S. Postal Inspector Thomas Irvin and Department of Homeland Security Special Agent Darrik Trudell and other Federal and State Law Enforcement Officers, executed a search warrant at the residence of James Terry HENRIKSON and Sarah Creveling, at 505 17th Avenue NE, Watford City, ND. On January 13, 2014, the Honorable Judge Miller authorized a search warrant to search these premises for various items related to suspected financial crime, as well as firearms and ammunition. During the execution of the search warrant, agents located a black gun safe located in a bathroom of the shared master bedroom between HENRIKSON and Creveling. Agents contacted the manufacturer of the gun safe and received the access combination for the safe. The agents then accessed the safe and located several firearms and a large amount of ammunition. The identified firearms included a Smith and Wesson SW 1911, SN: UCF7895, Christianson .45 ACP, SN: CX00143, Smith and Wesson P22, SN: L424162, Remington Model 700, SN: G6894244, Franklin Armory HSC 15, SN: HSC-00084, Mossberg 12 Gauge, SN: H366676, Cal Tech SKG, SN: X0F90. The Cal Tech held 14 Remington 12 gauge rounds, with 1 round chambered. The Remington Model 700 held 4 rounds. The safe also was found to contain various personal items, medical records, documents, and financial paperwork in the name of HENRIKSON, including tax returns in the name of James HENRIKSON, a passport and Texas driver's license in the name of James HENRIKSON, as well as a men's watch.
10. On January 14, 2014, agents re-interviewed the individual previously identified as "EMPLOYEE 1" in the affidavit in support of the search warrant. EMPLOYEE 1 previously lived at 505 17th Avenue NE, Watford City, along with Creveling and HENRIKSON. While living at the residence, INVESTOR 1 recalled observing a combat shotgun that was placed out in the open in the kitchen area of the residence. EMPLOYEE 1 stated he knew HENRIKSON had a gun safe in the main bedroom and described it as approximately 5' tall by 2' wide, and dark in color. It should be noted that the description provided by EMPLOYEE 1 is consistent with the safe identified during the search warrant.

11. On January 14, 2014, agents re-interviewed the individual previously identified as "INVESTOR 2" in the affidavit in support of the search warrant. INVESTOR 2 also previously lived at 505 17th Avenue NE, Watford City, ND, along with Creveling and HENRIKSON. While living at the residence, INVESTOR 2 stated he observed HENRIKSON possess and shoot a gun on two occasions. INVESTOR 2 said he knew HENRIKSON to own or possess several different firearms. INVESTOR 2 said he knew HENRIKSON and Creveling would go to a gun range in Watford City. INVESTOR 2 recalled meeting HENRIKSON and Creveling at a local gun range. While at the range, INVESTOR 2 observed HENRIKSON shooting a rifle with a scope on it. INVESTOR 2 further stated he observed HENRIKSON using a firearm to shoot at a pheasant. INVESTOR 2 stated HENRIKSON and Creveling also frequently went to the gun store in Watford City. INVESTOR 2 stated a friend of his delivered an old style shotgun to him, which he gave to HENRIKSON. INVESTOR 2 stated he was not allowed to possess firearms and stated he gave the firearm to HENRIKSON. INVESTOR 2 stated HENRIKSON said he would put the gun in the safe. Furthermore, agents located his and hers ear protection located in a cedar chest near the bed. Agents also located empty handgun cases on the shelf of the shared master bedroom closet. One of the cases contained a .45 caliber magazine with ammunition.
12. On January 15, 2014, U.S. Postal Inspector Thomas Irvin advised the Affiant that he contacted Deschutes County, Oregon Circuit Clerk of Court and verbally verified that a James Terry HENRIKSON was convicted on five (5) separate felonies, to include:
 - conviction date February 3, 2011, Case 09FE0728ST, Class A Felony, Unlawful Manufacture of Marijuana;
 - conviction date June 17, 2002, Case 02FE0310ST, Class C Felony, Felony Eluding;
 - conviction date November 26, 2001, Case 01FE1089ST, Class C Felony, Burglary 2nd Degree;
 - conviction date October 16, 2001, Case 00FE1205ST, Class B Felony, Assault 2; and
 - conviction date October 16, 2001, Case 01FE0662ST, Class C Felony, Theft 1st Degree.
13. Your affiant has not been able to physically examine the firearms, but has reviewed the description of the firearms seized at HENRIKSON's residence during the execution of the search warrant, which are listed as:
 - One Smith and Wesson Pistol, model SW 1911 bearing a serial number of UCF7895;
 - one Christianson .45 ACP Pistol, bearing a serial number of CX00143;
 - one Smith and Wesson Pistol, model P22 bearing a serial number of L424162;
 - one Remington Rifle, model 700 bearing a serial number of G6894244;
 - one Franklin Armory Pistol, model HSC 15 bearing a serial number of HSC-00084;

- one Mossberg 12 Gauge shotgun bearing a serial number of H366676; and
- one Cal Tech shotgun, model SKG bearing a serial number of X0F90.

14. Based upon the Affiant's experience, knowledge and research, it is his opinion that the above listed firearms are not antique firearms, and are designed to be capable of expelling a projectile by the action of an explosive, and therefore is a firearm as defined by Federal law; the above listed firearms were not manufactured in the State of North Dakota, and therefore must have traveled in and thereby affected interstate commerce, if it was received or possessed in the State of North Dakota.

Based on the above facts and circumstances, I believe there is sufficient probable cause to charge, via criminal complaint, James Terry HENRIKSON with the offense of Felon Prohibited from Possessing Firearms, in violation of Title 18, united States Code (U.S.C.), § 922(g).

The foregoing is true to the best of my knowledge and belief.



Daniel P. Melhoff
Special Agent
Bureau of Alcohol, Tobacco and Firearms

affirmed
Sworn and ~~subscribed~~ before me this 16th day of January, 2014 *by telephone conference,*



Charles S. Miller, Jr.,
United States Magistrate Judge